

### REMARKS

Claims 1-13 are pending in the present application. Claims 1 and 6 have been amended. Claim 4 has been cancelled. Favorable reconsideration and continued examination are respectfully requested.

### Objections to the Claims

Claim 6 has been objected to because of informalities. Applicants have amended claim 6 to correct the informalities. Applicants therefore respectfully request that the Examiner withdraw the objection and allow claim 6.

### 35 U.S.C. § 112, ¶ 2 Rejections

Claims 12 and 13 are rejected under 35 U.S.C. § 112, ¶ 2 as being indefinite for the use of the term "substantially constant". Applicants respectfully disagree. The use of the term "substantially" appears in countless issued patent claims and has been upheld as not indefinite by courts including the Federal Circuit (*See Andrew Corp. v. Gabriel Electronics*, 847 F.2d 819, 821 (Fed. Cir. 1988)). Applicants respectfully request that the Examiner withdraw the rejection and allow claims 12 and 13.

### 35 U.S.C. § 102(b) Rejections

Claims 1, 2, 4-7, and 9 are rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 4,627,160 (Herron). Applicants respectfully submit that Herron fails to teach each

and every feature of amended claim 1. For example, Herron fails to teach or suggest that **at least two of the layers comprise different ceramic materials**, as originally taught by now cancelled claim 4. In the rejection to that claim, the Examiner stated that Herron taught such a feature at column 5, line 51 -- column 6, line 46. Applicants respectfully disagree. In the cited portion of Herron, a Cu based catalyst for the removing of a binder is added to a glass ceramic material (Herron, column 5, lines 51-60). To demonstrate the effectiveness of the catalyst, Herron assembles several layers of the same glass ceramic material, with and without the catalyst (Herron, column 5, lines 65-67). Applicants respectfully submit that both layers of Herron are made of glass and are therefore the same ceramic material. Herron teaches using the same ceramic material, glass, to show the beneficial properties of the catalyst. Had Herron taught the usage of different ceramic materials, the beneficial properties of the catalyst would not be apparent because they could be attributed to the different ceramic material rather than the catalyst. Applicants therefore respectfully request that the Examiner withdraw the rejection and allow claim 1.

Claims 2, 5-7, and 9 are all variously dependent on independent claim 1, and are therefore allowable for at least the reasons given above for independent claim 1. Applicants therefore respectfully request that the Examiner withdraw the rejections and allow claims 2, 5-7, and 9.

#### 35 U.S.C. § 103(a) Rejections

Claim 6 is rejected under 35 U.S.C. § 103(a) as being obvious over Herron. Applicants respectfully submit that, as described above, Herron fails to teach each or suggest every feature

of claim 1 as amended. Claim 6 is dependent on claim 1, and is therefore allowable over Herron for at least the reasons given for claim 1. Applicants respectfully request that the Examiner withdraw the rejection and allow claim 6.

Claim 3 is rejected under 35 U.S.C. § 103(a) as being obvious over Herron in view of US Patent No. 5,252,519 (Nakatani). Applicants respectfully disagree. Claim 3 is dependent on claim 1 and is therefore allowable for at least the reasons described above for claim 1 with respect to Herron. Nakatani fails to cure the deficiencies of Herron. Nakatani describes a multilayered glass ceramic substrate (Nakatani, Abstract). Nakatani fails to teach or suggest the layers comprising different ceramic materials as taught by claim 1. Applicants therefore respectfully request that the Examiner withdraw the rejection and allow claim 3.

Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Herron in view of US Patent Application No. 2001/0022416 (Harada). Applicants respectfully disagree. Claim 10 is dependent on claim 1 and is therefore allowable for at least the reasons described above for claim 1 with respect to Herron. Harada fails to cure the deficiencies of Herron. Harada teaches "a method of manufacturing a multilayer ceramic device includes forming first and second glass-ceramic green sheets from a ceramic material containing glass by laminating the material to form a green sheet laminate having a cavity with an open surface at one surface thereof" (Harada, Abstract). Harada teaches the layers comprising glass, and fails to teach or suggest the layers comprising different ceramic materials as taught by claim 1. Applicants therefore respectfully request that the Examiner withdraw the rejection and allow claim 10.

Claims 11-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Herron in view of Harada and US Patent No. 5,230,846 (Tamhankar). Applicants respectfully disagree. Claims 11-13 are dependent on claim 1 and are therefore allowable for at least the reasons described for claim 1 with respect to Herron. Harada and Tamhankar fail to cure the deficiencies of Herron. Tamhankar describes "a method for heat processing of multilayered ceramic articles containing internal conductive metal patterns" (Tamhankar, Abstract). Tamhankar fails to teach or suggest the layers comprising different ceramic materials as taught by claim 1. As described above, Harada similarly fails to teach or suggest such a feature. Applicants therefore respectfully request that the Examiner withdraw the rejection and allow claims 11-13.

### Conclusion

Applicants submit that the claims are in condition for allowance, and requests that the Examiner issue a notice of allowance. It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

No fee is believed due. Please apply any other charges or credits to deposit account 06-1050.


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Please charge Deposit Account 06-1050 for any required fee referencing Attorney Docket no. 14219-074US1. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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